

State Board of Elections Policy 2008-001

A meeting of the Virginia State Board of Elections was held on May 23, 2008 whereby a policy was proposed and approved by the Board:

Absentee Applications Submitted Under New Laws

WHEREAS, the laws of the Commonwealth have been amended, effective July 1, 2008, to allow any voter who is unable to go to the polls on election day because of a disability as defined by the Virginians With Disabilities Act, or an illness (SB 7; Governor's amendments pending), or a pregnancy (Ch. 425, 2008 Acts of Assembly), to vote by absentee ballot; and

WHEREAS, absentee voting by ill and disabled voters was previously limited to those who were unable to go to the polls on election day because of physical disability or physical illness; and

WHEREAS, the laws have also been amended, effective July 1, 2008, to allow an absentee ballot to be mailed to the address where the voter is temporarily confined, within the county or city in which the voter is registered, because of their disability or illness (Ch. 386); and

WHEREAS, the laws have further been amended, effective July 1, 2008, to allow the blank ballot, oath form and instructions to be sent to the voter by electronic transmission if the voter so requests and if the voter is residing or is stationed outside the continental borders of the United States (Chs. 106 and 300), thus making the state's emergency and pilot programs on this issue statewide and permanent; and

WHEREAS, the state applications, instructions and related forms must be revised to reflect these changes to the absentee laws, and the law changes and revised forms must be precleared by the United States Department of Justice under Section 5 of the Voting Rights Act before being put into use; and

WHEREAS, absentee voting applications for the November 4, 2008 election could be accepted beginning on November 7, 2007 (§ 24.2-701(A)); now, therefore, be it

RESOLVED, by the State Board of Elections under its authority to issue rules and regulations to promote the proper administration of election laws and obtain uniformity in the administration of elections pursuant to § 24.2-103, that any absentee application submitted to a Virginia General Registrar or Electoral Board shall be accepted or denied based on the laws in effect at the time of the election for which the voter is applying; and, be it

FURTHER RESOLVED, by the State Board of Elections, that the voter's use of a previous version of the absentee ballot application shall not invalidate a request which is otherwise valid under the laws in effect for the election for which the voter is applying.